



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547

www.txcourts.gov/3rdcoa.aspx

(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
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CINDY OLSON BOURLAND, JUSTICE
MICHAEL TOTH, JUSTICE

JEFFREY D. KYLE, CLERK

November 14, 2018

The Honorable W. W. Torrey
County and District Attorney
Milam County, Texas
204 N. Central
Cameron, TX 76520
* DELIVERED VIA E-MAIL *

Mr. Justin Bradford Smith
Harrell, Stoebner, & Russell, P.C.
2106 Bird Creek Drive
Temple, TX 76502
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00759-CR
Trial Court Case Number: CR25,688

Style: Jessie Lee Brooks, Jr.
v. The State of Texas

Dear Counsel:

The Court has been advised that appellant has given notice of appeal. The cause in this Court will bear the number and style shown above. Cases in the Third Court of Appeals are governed by the Texas Rules of Appellate Procedure (Tex. R. App. P.) which may be accessed on the Court's website at <http://www.txcourts.gov/rules-forms/rules-standards/>. The Court provides all notices, orders, or other communications about a case by email. All documents filed with this Court must include the filer's email address in addition to any other information required by the Texas Rules of Appellate Procedure. It is the filer's responsibility to update the Court with any changes to their email address. In addition, at or before the time of a document's filing, the filing party must serve a copy of the document(s) on all parties to the proceeding. *See* Tex. R. App. P. 9.5.

Appellant is requested to forward the following items to this Court on or before **November 26, 2018**:

- **Challenge to Constitutionality of a State Statute** - Pursuant to Section 402.010 (a-1) of the Texas Government Code, any party challenging the constitutionality of a Texas Statute must file a "Challenge to the Constitutionality of a State Statute" form with the court in which the challenge is pending. This form can be accessed on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.

- **Docketing Statement** – *See* Tex. R. App. P. 32. Until the clerk’s record is filed, the docketing statement is the primary source of important information about an appeal, including contact information for the parties and information about the order being appealed. A copy of the docketing statement is available on the Court’s website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.

Unless appellant has been found indigent, the trial-court clerk and court reporter are not required to file the clerk’s and reporter’s records until appellant has paid the required fees, or has made satisfactory arrangements to pay the fees. *See* Tex. R. App. P. 35.3(a)(2), (b)(3). If appellant has not already done so, written requests and arrangements for payment of the following records must be made on or before **November 26, 2018**.

- **Clerk’s Record** - The Court may dismiss an appeal for want of prosecution if the clerk’s record is not filed and it is appellant’s fault. *See* Tex. R. App. P. 37.3(b). Appellant should make arrangements for the clerk’s record with the trial-court clerk and may file a written designation specifying additional items to be included in the clerk’s record. *See* Tex. R. App. 34.5(b)(2).
- **Reporter’s Record** - If appellant decides to include a reporter’s record as part of the appellate record, a request in writing to the court reporter must be made. *See* Tex. R. App. P. 34.6(b). The request to the court reporter must designate the portions of the proceedings to be included in the record including any exhibits. Appellant must also file a copy of the request with the trial-court clerk. *See* Tex. R. App. P.34.6. If a reporter’s record is not filed, the Court may decide the appeal on those issues or points that do not require a reporter’s record for a decision. *See* Tex. R. App. P. 37.3(c).

More information about the courts practices are available on the Court’s website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/>. Please note, Tex. R. App. P. 9.6 requires that parties and counsel communicate with the appellate court about a case only through the clerk of the court.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker

Courtland Crocker, Deputy Clerk

cc: Ms. Angela Ralston
The Honorable Karen Berry